

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION

FILED
2009 JUN 11 AM 9:55
CLERK, WESTERN DISTRICT COURT
OF TEXAS
BY _____
DEPUTY

UNITED STATES OF AMERICA

-vs-

CAUSE NO. A-08-CR-448-SS

FLORENTINO TOVAR-RIVAS (6)

ORDER

BE IT REMEMBERED on this day, the Court reviewed the file in the above-styled cause, and specifically the "Motion to Withdraw as Counsel" [#275] filed by Hermes E. Flores on June 3, 2009, and thereafter, the Court enters the following:

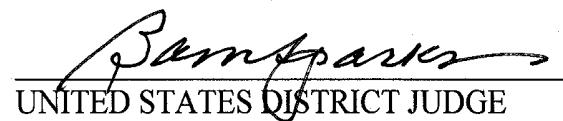
The defendant Florentino Tovar-Rivas was arrested subsequent to the filing of criminal charges in this case and requested the United States Magistrate Judge to appoint counsel to represent him. Subsequently, Mr. Tovar-Rivas employed Hermes E. Flores to represent him. Under the law, Mr. Tovar-Rivas was required to repay the United States for the expense incurred in his representation by Court-appointed counsel, and he has failed to do so. Mr. Flores represented Mr. Tovar-Rivas through hearings, rearraignment, trial, and sentencing, and now seeks to be relieved of his responsibility. The motion does not have any indication from Florentino Tovar-Rivas of any desire of change of counsel. Regardless, there is no one who could represent Mr. Tovar-Rivas better than the lawyer who participated in the trial.

Florentino Tovar-Rivas files no application to proceed in forma pauperis and to obtain appointed counsel. If he does so, the undersigned requires that he execute an affidavit disclosing any and all assets and liabilities as well as the factual statement as to how he obtained the services of

Hermes E. Flores. That affidavit can be filed under seal and ex parte, and only thereafter will the Court make any determination as to whether or not Florentino Tovar-Rivas may proceed in forma pauperis.

IT IS THEREFORE ORDERED that the Motion to Withdraw as Counsel [#275] is DENIED, and Hermes E. Flores remains counsel of record.

SIGNED this the 10th day of June 2009.



UNITED STATES DISTRICT JUDGE